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UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

CECCHI GORI PICTURES, a California corporation; CECCHI GORI USA, INC., a California corporation, Debtors,	Bank. Case No.: 16-53499 (Jointly Administered with Case No. 16-53500) Chapter 11 Adv. Case No. 17-05007
CECCHI GORI PICTURES and CECCHI GORI USA, INC., Plaintiffs, v. G&G PRODUCTIONS, LLC, a California limited liability company, GABRIELE ISRAILOVICI, an individual, GIOVANNI NAPPI, an individual, VITTORIO CECCHI GORI, an individual, and DOES 1-10 Defendants.	**EVIDENTIARY OBJECTIONS TO DECLARATION OF NEILS JUUL FILED IN OPPOSITION TO ORDER TO SHOW CAUSE RE PRELIMINARY INJUNCTION AND IN SUPPORT OF MOTION TO QUASH WRITS OF ATTACHMENT** Date: March 6, 2017 Time: 11:00 a.m. Place: United States Bankruptcy Court Courtroom 3020 280 South First Street San Jose, California 95113-3099 Judge: Honorable M. Elaine Hammond

TO THE HONORABLE M. ELAINE HAMMOND, UNITED STATES BANKRUPTCY JUDGE, PLAINTIFFS, AND PLAINTIFFS' COUNSEL OF RECORD:

Defendant G&G Productions, LLC and specially appearing Defendants Gabriele Israilovici and Giovanni Nappi (collectively, "Defendants"), hereby submit their evidentiary objections to the Declaration of Neils Juul ("Declaration") [Docket No. 8]. The sections below reference those portions of the Declaration to which Defendants object.

No.	**Statement**	**Objection(s)**
1.	Paragraph 6: "The Debtors are part of a corporate family of various entities that were owned or controlled by Gori. Until September 2016, Gori controlled the operations and business of the Debtors."	Improper Statement of Legal Conclusion. *Larouche v. Webster* (S.D.N.Y. 1996) 175 F.R.D. 452, 455 ("When ultimate facts and legal conclusions appear in an affidavit, such extraneous material should…be disregarded by the court."). No Foundation. FRE 901. The statement is conclusory and no foundation has been provided to support the truth or accuracy of the characterizations. Improper Lay Opinion, Speculation. FRE 701. Juul improperly speculates and/or offers an improper lay opinion as to ownership and control.
2.	Paragraph 8: "Nappi and Israilovici are close associates and trusted advisors of Gori."	No Foundation. FRE 901. The statements are conclusory and no foundation has been provided to show that any of the information is accurate or truthful. Lack of Personal Knowledge. FRE 601, 602.

3.	Paragraph 10: "On several occasions between 2008 and mid-2015, Gori informed me that Nappi and Israilovici were Gori's trusted advisors and that I should take instructions from them in connection with matters related to the Debtors."	Hearsay. FRE 802. Statements or suggestions made by declarants are improperly offered to prove the truth of the matter asserted.
4.	Paragraph 12: "Israilovici's input was needed on all material decisions made by the Debtors. This was the case up until mid-2015, when I finally cut my ties with the Debtors."	No Foundation. FRE 901. No foundation has been provided to show any basis to establish what is due and owing to whom.
5.	Paragraph 13: "For example, attached to this declaration as **Exhibit A** is an email dated May 5, 2015 from Gori to me (the "5/5/15 Email"), where Gori stated that Israilovici and Nappi "have my total trust and they keep me always aware of everything. In addition, for me they are not only professionals, but also guys who are closest to me for many years and I respect deeply." The 5/5/15 Email came as a response to my inquiries to Gori, voicing concerns about rumors of potential transactions involving the Debtors without my knowledge and doubts about the authority of Nappi and Israilovici to act on behalf of the Debtors."	Hearsay. FRE 802. Statements or suggestions made by declarants are improperly offered to prove the truth of the matter asserted. Argumentative.
6.	Paragraph 14: "I was also aware of the TRO issued by the California Court in the California Action and the prohibition under it against a transfer of the Debtors' assets."	Improper Statement of Legal Conclusion. *Larouche v. Webster* (S.D.N.Y. 1996) 175 F.R.D. 452, 455 ("When ultimate facts and legal conclusions appear in an affidavit, such extraneous material should…be disregarded by the court.").
7.	Paragraph 15: "Israilovici and Nappi were also aware of the TRO."	Lack of Personal Knowledge. FRE 601, 602. Juul lacks personal knowledge regarding the awareness of others.
8.	Paragraph 16: "I have communicated regarding the TRO with state court counsel to the Debtors and for Gori. Those communications have frequently included Gori, Israilovici and Nappi."	No Foundation. FRE 901. The statements are conclusory and no foundation has been provided to show that any of the information is accurate or truthful.

9.	Paragraph 17: "During April – May of 2015, Gori, Israilovici and Nappi indicated to me that the disputes with Nous related to the California Action were being resolved and that a transfer of the Assets would be appropriate. When I requested evidence of the resolution, I did not receive a satisfactory response."	No Foundation. FRE 901. The statements are conclusory and no foundation has been provided to show that any of the information is accurate or truthful. Hearsay. FRE 802. Statements or suggestions made by declarants are improperly offered to prove the truth of the matter asserted. Argumentative.
10.	Paragraph 18: "The Debtors owned valuable assets, including rights to scripts, film rights, options, intellectual property and other media rights ('Assets'). CGUSA served as the holding company, owning the various script-related rights involving the Assets. CGP also had certain rights related to the Assets."	No Foundation. FRE 901. The statements are conclusory and no foundation has been provided to show that any of the information is accurate or truthful. Improper Statement of Legal Conclusion. *Larouche v. Webster* (S.D.N.Y. 1996) 175 F.R.D. 452, 455 ("When ultimate facts and legal conclusions appear in an affidavit, such extraneous material should…be disregarded by the court."). Improper Lay Opinion, Speculation. FRE 701. Juul improperly speculates and/or offers an improper lay opinion as to the rights of various parties.
11.	Paragraph 19: "The Debtors' rights in the scripts include the recoupment of costs and expenditures associated with the development of the scripts. Typically when the scripts are developed and produced into films, these costs and expenditures are paid first. The costs associated with these scripts forming part of the Assets are believed to approximately $9.8 million. Attached as **Exhibit B** is the list that I believe represent most of the scripts that CGUSA owned (until the fraudulent	Improper Lay Opinion, Speculation. FRE 701. Juul improperly speculates and/or offers an improper lay opinion as to the rights of Debtors and industry custom and practice. No Foundation. FRE 901. The statements, as well as the entirety of **Exhibit B**, are conclusory and no foundation has been provided to support the statements or the quantitative values contained in **Exhibit B**.

	transfer by Defendants) and the respective costs for each script.”	Hearsay. FRE 802. The quantitative values contained in **Exhibit B** are improperly offered to prove their truth. Improper Summary. FRE 1006.
12.	Paragraph 20: “To some extent, the value of these titles is contingent as the various agreements for developing these titles typically involve contingent payments based on the financial success of the project. However, as is standard in the industry, the Debtors would be entitled to recover the costs first before the contingent compensation or a compensation in the profits from a given project is available.”	Improper Statement of Legal Conclusion. *Larouche v. Webster* (S.D.N.Y. 1996) 175 F.R.D. 452, 455 (“When ultimate facts and legal conclusions appear in an affidavit, such extraneous material should…be disregarded by the court.”). Improper Lay Opinion, Speculation. FRE 701. Juul improperly speculates and/or offers an improper lay opinion as to the value of the titles and industry custom and practice.
13.	Paragraph 23: “When I inquired with Gori, Israilovici and Nappi about those rumors, I was told that no transaction was being undertaken and that I should abide by Israilovici’s and Nappi’s instructions. When I inquired how a potential transaction would be completed in light of the pending California Action and the TRO, I was told by Israilovici that there was no need to worry about the California Action as it was being resolved.”	Hearsay. FRE 802. No Foundation. FRE 901. The statements are conclusory and no foundation has been provided to show that any of the information is accurate or truthful. Assumes Facts. Argumentative.

14.	Paragraph 26: "I believe that all the assets described in *Exhibit A* to the Contribution Agreement dated as of April 1, 2015 ("Israilovici Contribution Agreement"), and signed by Israilovici, are assets that belonged to the Debtors."	Improper Statement of Legal Conclusion. *Larouche v. Webster* (S.D.N.Y. 1996) 175 F.R.D. 452, 455 ("When ultimate facts and legal conclusions appear in an affidavit, such extraneous material should…be disregarded by the court."). No Foundation. FRE 901. The statements are conclusory and no foundation has been provided to show that any of the information is accurate or truthful.
15.	Paragraph 33: "On a recent trip to Mexico, I have learned that G&G had purported to transfer certain of the Assets to a third party. On that trip, I met with an executive of a production and film financing company. This executive went on to indicate to me that his company has recently acquired certain of the Debtors' titles from G&G, either as an outright sale or a purchase of an option to acquire such titles."	Assumes Facts. Hearsay. FRE 802. Statements or suggestions made by declarants are improperly offered to prove the truth of the matter asserted. Relevance. FRE 401, 402.
16.	Paragraph 34: "I believe that, if Defendants learn of this action, they will likely transfer or cause G&G to transfer any remaining assets and dissipate any funds it holds and Israilovici will conceal or transfer any assets he has in the United States to outside the country."	Speculation. FRE 701. Argumentative. Improper Statement of Legal Conclusion. *Larouche v. Webster* (S.D.N.Y. 1996) 175 F.R.D. 452, 455 ("When ultimate facts and legal conclusions appear in an affidavit, such extraneous material should…be disregarded by the court."). No Foundation. FRE 901. The statement is conclusory and no foundation has been provided to support the truth or accuracy of the characterizations.

		Relevance. FRE 401, 402. Juul's self-serving personal beliefs are irrelevant.
17.	Paragraph 35: "I believe that not enjoining Defendants from transferring or dissipating the assets of G&G will likely irreparably harm the Debtors, theirs estates, their restructuring efforts, and their creditors."	Improper Lay Opinion/Speculation. FRE 701. Argumentative. Improper Statement of Legal Conclusion. *Larouche v. Webster* (S.D.N.Y. 1996) 175 F.R.D. 452, 455 ("When ultimate facts and legal conclusions appear in an affidavit, such extraneous material should…be disregarded by the court."). No Foundation. FRE 901. The statement is conclusory and no foundation has been provided to support the truth or accuracy of the characterizations. Relevance. FRE 401, 402. Juul's self-serving personal beliefs are irrelevant.
18.	Paragraph 36: "I believe there is significant risk that, if the relief requested in the Applications is not granted, innocent third parties would likely be deceived about the true ownership of the Assets and may engage in transactions with G&G regarding the Assets. On the other hand, if the relief is granted, the relevant orders will be shared with interested parties in the entertainment industry, which would alert them to the Debtors' claims and rights in the Assets."	Improper Lay Opinion. FRE 701. Argumentative. Improper Statement of Legal Conclusion. *Larouche v. Webster* (S.D.N.Y. 1996) 175 F.R.D. 452, 455 ("When ultimate facts and legal conclusions appear in an affidavit, such extraneous material should…be disregarded by the court.").

		No Foundation. FRE 901. The statement is conclusory and no foundation has been provided to support the truth or accuracy of the characterizations. Relevance. FRE 401, 402. Juul's self-serving personal beliefs are irrelevant.
19.	Paragraph 37: "The Debtors' brand is an Oscar-winning brand of unique value. Because of the appeal of the brand and the assets and based on my connections in the entertainment industry, I believe that there are potentially interested parties interested in a transaction involving the Debtors and/or their assets. Such a transaction will likely provide significant value to the Debtors and permit them to exit bankruptcy. To the extent Defendants are not enjoined, the potential for such transaction will likely be significantly diminished."	Lack of Personal Knowledge. FRE 601, 602. Juul lacks personal knowledge regarding unidentified third parties. Improper Lay Opinion/Speculation. FRE 701. Argumentative. Improper Statement of Legal Conclusion. *Larouche v. Webster* (S.D.N.Y. 1996) 175 F.R.D. 452, 455 ("When ultimate facts and legal conclusions appear in an affidavit, such extraneous material should…be disregarded by the court."). No Foundation. FRE 901. The statement is conclusory and no foundation has been provided to support the truth or accuracy of the characterizations. Relevance. FRE 401, 402. Juul's self-serving personal beliefs are irrelevant.

February 20, 2017

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By *[/s/ Brian L. Davidoff]*
BRIAN L. DAVIDOFF

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Court Service List

ECF Noticed Parties